

## REMARKS

The Examiner maintained the rejection of claims 1, 2 and 7-9 under 35 U.S.C. 102(b) as being anticipated by Gibson. By this amendment Applicants have amended claims 1-3 for clarity. Claims 1-15 remain in the case.

Gibson relates to the art of mixing audio sound sources to create a final sound product using visual images of sounds to control and mix the sound sources. A graphic interface provides a perspective view of a three dimensional room as viewed through a mix window including left and right speakers to closely simulate the aural environment of a recording engineer, and the various sound channels are digitized and represented by predefined visual images (spheres). Selected audio characteristics of the audio signal, such as frequency, amplitude, time and spatial placement, are correlated to selected visual characteristics of the visual image, such as size, location, texture, density and color, and dynamic changes or adjustments to any one of these parameters cause a corresponding change in the correlated parameter.

As indicated previously Gibson is not a surround sound display for it does not show a sound stage that encompasses speakers that may be behind a listener, i.e., that "surround" the listener or a central focus, and further shows only a single stereo pair in front of the listener. Also Gibson does not show a correlation meter scale for each sound channel that has a corresponding sound channel which forms a stereo sound source – the X-axis of Fig. 5 is not a correlation meter scale but merely is shown "for convenient reference." Gibson rather correlates visual characteristics with sound characteristics of the related sound source. Further Gibson does not

have any markers related to its non-existent correlation meter scale – the radial size of the sphere is correlated to the apparent space between the speakers taken up by a sound in the mix and, since bass instruments take up more space in the mix than treble instruments, is correlated to frequency.

The Examiner states that Gibson discloses a surround sound display representing a plurality of sound channels, equating Fig. 5 with the claimed element “a sound stage image”, Fig. 5 X-axis 218 with the claimed element “a correlation meter scale”, and Fig. 7a outer boundary of the sphere with the claimed element “markers related to the correlation meter scale.” Applicants continue to respectfully traverse this erroneous conclusion by the Examiner.

Although it would appear to be inherent from the language in the preamble -- “[A] surround sound display -- for the sake of clarity Applicants have amended claim 1 to recite “*a surround* sound stage image” to clearly differentiate over the 3-D “room” as viewed through a mix window shown in Fig. 5, which “room” has only a single stereo pair represented by speakers at the top and front of the left and right walls. Claims 2 and 3 have also been amended to be consistent with claim 1. Since Gibson shows a “window” into a “room”, it cannot represent a surround sound display or be “*a surround sound stage image*” as currently recited in amended claims 1-3.

The axes shown in Fig. 5 of Gibson are merely for reference in manipulating the visual images and the x-axis (horizontal movement) is correlated to signal balance or pan control. This is not a correlation meter scale “for each sound channel” as is recited in claim 1, as such claim language indicates that there is a separate scale for each such sound channel rather than just a continuous axis as shown in Gibson.

Finally the outer boundary of the spheres in Gibson merely represent the apparent space between the speakers taken up by the sound in the mix as well as the frequency. These are not “markers related to the correlation meter scales that represent the correlation between the corresponding sound channels.” Note again that “scales” is plural, not singular. The sphere boundaries are not related to “scales”, but at best only to a single X-axis.

In response to Applicants' arguments the Examiner states that in claim 1 the claim limitation does [not?] have a listener. The amendments to claims 1-3 reciting “a surround sound stage image” implicitly put a listener or focal point in the center of the image, which is not taught or suggested by Gibson as the Examiner appears to admit. Further when read in light of the specification the “surround sound stage image” is not a 3-D “room” as shown in Gibson. Therefore claims 1 and 2 are deemed to be allowable as being neither anticipated nor rendered obvious to one of ordinary skill in the art by Gibson.

Claim 7 recites “a pointer” (see Fig. 1), while claims 8 and 9 recite respectively “a fill area spanning the correlation meter scales” (Figs. 2-6) where “the thickness of the fill area indicates the amplitude of each sound channel” (see Figs. 7-9). The Examiner equates the edge of the sphere in Fig. 8a with the pointer recited in claim 7, the solidity of the sphere in Fig. 8a with the fill area recited in claim 8, and the density of the sphere (col. 5, lines 43-44) with the thickness recited in claim 9. In response to Applicants prior arguments, the Examiner quotes col. 5, lines 32-47 of Gibson, concluding that the sphere of Gibson is used to indicate correlation of sounds in which the edge of the sphere is a pointer, the solid sphere is the fill and the size of the sphere is the amplitude. However in “ordinary meaning”

the edge of a sphere is not "a pointer", nor is the solid sphere "a fill area" – especially when read in context as "spanning the correlation meter scales", nor is the size of the sphere "thickness" – in fact it is the density of the sphere (not its size) that correlates to amplitude in the quoted passage and "density" does not connote "thickness." Therefore claims 7-9, depending from claim 1 which is deemed to be allowable, also are deemed to be allowable as being neither anticipated nor rendered obvious to one of ordinary skill in the art by Gibson.

In view of the foregoing amendment and remarks, entry of this amendment and allowance of claims 1-15 are urged, and such action and the issuance of this case are requested. Should the Examiner maintain the rejection of these claims, entry of this amendment is requested as placing the case in better form for appeal without raising any new issues.

Respectfully submitted,

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